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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

Plaintiff, **NOTICE OF REMOVAL**

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UNITED FIRE AND CASUALTY COMPANY.

Defendant.

PLEASE TAKE NOTICE that the Defendant, United Fire and Casualty Company, hereby removes to this Court, the State Court action filed as *Judith Newman, as Personal Representative of the Estate of Karlve Newman v. United Fire and Casualty Company.*

1. On April 23, 2012, an action was filed in the Montana Twentieth Judicial District Court, Lake County, entitled "JUDITH NEWMAN AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KARLYE NEWMAN, Plaintiff v. UNITED FIRE AND CASUALTY COMPANY, Defendant" as Cause No. DV 10-460. Attached as Exhibit A is a copy of Plaintiff's state court Amended Complaint with all process, pleadings and orders served on the Defendant.

2. United Fire and Casualty's registered agent was served with process in the state court action through the Montana Commissioner of Insurance on January 30, 2013. This Notice of Removal to the United States District Court is therefore filed within 30 days after receipt by United Fire and Casualty Company of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

3. Plaintiff is the Personal Representative of the Estate of Karlye Newman. Upon information and belief, Plaintiff is a citizen of Colorado. Defendant is an Iowa Corporation with its principal place of business in Cedar Rapids, Iowa.

4. This case is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship), and is one

which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs, given demands.

5. Pursuant to 28 U.S.C. § 106, 1446(a) and (b), and Local Rule 1.9(c), the state court action which was commenced in the Montana Twentieth Judicial District, Lake County, may be removed to this federal district court which embraces Lake County in the Missoula Division.

6. Promptly upon the filing of this Notice of Removal, United Fire and Casualty will give notice in writing thereof to Plaintiff. Within seven days after filing this Notice of Removal, United Fire and Casualty Company will file in State Court a "Notice to State Court of Filing of Notice of Removal to the United States District Court" pursuant to Local Rule 3.2(a).

WHEREFORE, United Fire and Casualty Company respectfully requests that the action pending in the Montana Twentieth Judicial District Court, Lake County, Montana, be removed to this Federal Court for further proceedings, and that this Court assume jurisdiction, proceed as an action properly removed to this Court, and make further orders as may be just and proper.

DATED this 13th day of February, 2013.

/s/ Stephanie A. Hollar
Stephanie A. Hollar, Esq.
Dennis P. Clarke, Esq.
SMITH, WALSH, CLARKE & GREGOIRE, PLLP
Attorneys for Defendant